

DAVID BURCHARD  
CHAPTER 13 TRUSTEE  
P.O. BOX 8059  
FOSTER CITY, CA 94404  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:  
BRIAN K POWELL  
981 INGERSON AVENUE  
SAN FRANCISCO, CA 94124  
  
###-##-2006  
Debtor(s).

Case No.: 10-3-3410 SFM13  
Chapter 13

OBJECTION TO CONFIRMATION, WITH A  
MOTION TO DISMISS, OF THE CHAPTER 13  
PLAN, BY DAVID BURCHARD, CHAPTER 13  
TRUSTEE AND NOTICE

**341 MEETING OF CREDITORS:**

Date: 10/07/2010  
Time: 11:00 AM  
Place: Office of the United States Trustee  
235 Pine Street, Suite 850  
San Francisco, California

**CONFIRMATION HEARING:**

Date: 11/10/2010  
Time: 01:30 PM  
Place: United States Bankruptcy Court  
235 Pine Street 22nd Floor  
San Francisco, California

DAVID BURCHARD, Chapter 13 Trustee in the above-entitled action, hereby objects to Confirmation of the Chapter 13 Plan proposed hereunder by Debtor(s) for the following reason(s).

1. Trustee's copy of Debtor's petition does not contain an Application for Approval of Attorney Fees. Trustee requests a copy of this document as filed with the court.
2. Schedule E lists obligations to Nicole Powell with the amount of claim of \$0.00, also stating the following: "Amount to be determined. Court reserved jurisdiction over issue. Parties in discussions to determine amount." Trustee is unable to determine Debtor's schedules without this amount and requests an amendment to Schedule E, indicating the approximate claim for said creditor.
3. Trustee requests a copy of the marriage dissolution judgment as listed in question 10 of Debtor's Statement of Financial Affairs.
4. Trustee requests Debtor provide appropriate declaration that details Debtor income for the six months prior to the bankruptcy.
5. Debtor has been sent the Chapter Thirteen Business Questionnaire to complete. Debtor's response is due not later than four working days prior to the first scheduled Meeting of Creditors.
6. Trustee requests a signed copy of Debtor's 2009 Federal Income Tax Return be received no later than four business days prior to the date of the first scheduled Meeting of Creditors.

PLEASE TAKE NOTICE that, without prior notice, at the above-referenced confirmation hearing date assigned to your Chapter 13 case, the Court may DISMISS the above-referenced case upon making a determination that Debtor(s) has/have not presented a feasible Plan, Debtor(s) has/have not made the required payments under the Plan, Debtor(s) has/have violated the statutory debt limitations set for a Chapter 13 case, Debtor(s) has/have not filed this proceeding in good faith, Debtor(s) has/have not provided documents and/or Schedules and Plan as required under the Bankruptcy code, and/or Debtor(s) has/have not provided the Trustee with Payment Advices or Declarations, as required by the written Order Re: Payment Advices in Chapter 13 Cases, dated September 26, 2006.

Dated: September 15, 2010

DAVID BURCHARD

DAVID BURCHARD, Chapter 13 Trustee

### Certificate of Mailing

I, ROSA GARCIA, the undersigned, certify that:

I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 393 Vintage Park Drive, Suite #150, Foster City, CA. On the date set forth below, I served a copy of the Objection to Confirmation, with a Motion to Dismiss, of the Chapter 13 Plan, by David Burchard, Chapter 13 Trustee and Notice, and this Certificate of Mailing, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

BRIAN K POWELL  
981 INGERSON AVENUE  
SAN FRANCISCO, CA 94124

LEON JON BONNEY  
BONNEY AND ASSOCIATES  
825 VAN NESS AVE #304  
SAN FRANCISCO, CA 94109-7837

United States Trustee  
235 Pine Street, Suite 700  
San Francisco, CA 94104

Dated: September 15, 2010

ROSA GARCIA

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